

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Mar 24, 2022**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDWARD CHARLES ROBINSON, JR.,

Defendant.

No. 1:20-CR-02026-SAB-1

**ORDER GRANTING MOTION  
FOR COMPETENCY  
RESTORATION; STRIKING  
TRIAL DATE**

**\*\* U.S. MARSHALS ACTION  
REQUIRED \*\***

The Court held a status conference in the above-captioned matter on March 23, 2022. The United States was represented by Richard Barker and Thomas Hanlon. Defendant was represented by Craig Webster. Defendant was present in the courtroom in the custody of the U.S. Marshals.

At the status conference, the Court discussed the Government's Unopposed Motion Requesting Competency Evaluation, ECF No. 49. Pursuant to the Court's Order Directing Competency Evaluation, Dr. Cynthia A. Low, PhD performed a forensic evaluation of Defendant. Based on this evaluation, Dr. Low concluded that Defendant suffers from a mental disorder that would substantially impair his ability to assist counsel in his own defense. Thus, the parties stipulate and agree that Defendant undergo competency restoration measures to ensure that he is

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1 competent to stand trial and assist in his own defense. This Order memorializes the  
2 Court's oral rulings.

3 Accordingly, **IT IS HEREBY ORDERED:**

4 1. The Government's Unopposed Motion Requesting Competency  
5 Evaluation, ECF No. 49, is **GRANTED**.

6 2. The Court finds by a preponderance of the evidence that Defendant is  
7 presently suffering from a mental disease or defect rendering him mentally  
8 incompetent to assist properly in his own defense. Thus, the Court commits  
9 Defendant to the custody of the Attorney General.

10 3. The U.S. Marshals **shall** transport Defendant at the soonest possible  
11 date to a suitable treatment facility, as designated by the Bureau of Prisons  
12 ("BOP").

13 4. Until such time that Defendant has been transferred to the designated  
14 BOP facility, the parties shall file a monthly status report, the first one being due  
15 on **April 8, 2022**. The parties shall file their reports by the 8th day of each month  
16 until Defendant has commenced competency restoration procedures.

17 5. Defendant shall remain in BOP's custody for a reasonable period not  
18 to exceed **four (4)** months from the date Defendant enters the facility where he is  
19 designated for competency restoration procedures, in order to determine whether  
20 there is a substantial probability that, in the foreseeable future, Defendant will  
21 regain the necessary mental capacity to permit the proceedings to go forward. 18  
22 U.S.C. § 4241(d).

23 6. Within four months of Defendant commencing competency  
24 restoration procedures, but no later than **August 5, 2022**, the parties will file a joint  
25 status report updating the Court on Defendant's competency status.

26 7. The trial date of May 16, 2022 is **STRICKEN**.

27 8. The pretrial conference of April 20, 2022 is **STRICKEN**.

28 9. Defendant's Motion to Determine Competency of Defendant, ECF

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No. 37, is **STRICKEN** with leave to refile until after the competency restoration measures are complete.

10. The Court **sets** a status hearing on **August 10, 2022**, at **11:00 a.m.** in **Yakima**, Washington. At the hearing, the parties should be prepared to discuss the status of the case and Defendant's competency status.

11. Pursuant to 18 U.S.C. § 3161(h)(1)(A), the time between May 16, 2022, the current trial date, until August 5, 2022, the latest date the Court will receive the jointly-filed update on Defendant's competency status, is **DECLARED EXCLUDABLE** for purposes of computing time under the Speedy Trial Act. The Court finds that the ends of justice served by such a continuance outweigh the public's and Defendant's interest in a speedy trial.

12. Trial briefs, proposed voir dire, jury instructions, verdict forms, exhibit lists, expert witness lists, and summaries of expert testimony shall be filed and served by all parties on or before **seven (7) calendar days prior to trial**. This does not modify the parties' discovery obligations under Fed. R. Crim. P. 16. Absent an agreement between the parties or an Order from the Court, the parties' Fed. R. Crim. P. 16 discovery deadlines shall be governed by Local Criminal Rule 16.

**IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter this Order and provide copies to counsel **AND TO** the U.S. Marshals.

**DATED** this 24th day of March 2022.



A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

Stanley A. Bastian  
Chief United States District Judge

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